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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,099	10/15/2003	Lev Borisovich Nachmanson	3382-65968	7231

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EXAMINER	
INGBERG, TODD D	
ART UNIT	**PAPER NUMBER**
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,099	NACHMANSON ET AL.	
	Examiner	Art Unit	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/2/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 20 have been examined.

Information Disclosure Statement

1. The Information Disclosure Statement filed July 2, 3004 has been considered.

Drawings

2. The drawings filed October 15, 2003 have been accepted.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 –5 and 16-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is a content manager which is not a tangible result because result is not clearly claimed to be embodied on a computer readable medium. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim 1

Choy anticipates a computer readable medium containing source code comprising:

a first identifier indicating a first segment of source code;

the first segment of source code;

a second identifier indicating a second segment of source code;

the second segment of source code;

wherein the identifiers indicate to a source code viewer, that a choice is displayed to select the first or second segments. (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external).

Claim 2

The computer readable medium of claim 1 wherein the first segment is a default version if no choice is made. (Choy, col 5, lines 15 – 24 – versions)

Claim 3

The computer readable medium of claim 1 wherein the second identifier further indicates the end of the first segment and the beginning of the second segment, and a third identifier indicates the end of the second segment. (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external)

Claim 4

The computer readable medium of claim 3 wherein source code above the first identifier is indicated as being in a version whether the first or second segments is in the version. (Choy, col 5, lines 15 – 24 – versions)

Claim 5

The computer readable medium of claim 1 wherein source code outside the identifiers indicates that source code outside the identifiers is in all versions. (Choy, col 5, lines 15 – 24 – versions)

Claim 6

A method comprising: receiving a file comprising source code with code layer choice identifiers; (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external)

displaying the source code on a computer terminal comprising a code layer choice (See Figure 5); receiving an indication of a code layer choice; and creating a version of source code comprising the indicated code layer choice. (Choy, col 5, lines 15 – 24 – versions)

Claim 7

The method of claim 6 further comprising receiving the indication of the code layer choice via a code layer string in the source code. (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external and figure 5)

Claim 9

The method of claim 6 wherein the code layer choice identifiers identify plural sets of code layer choices and the received indication indicates a code layer choice for at least one set. (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external)

Claim 10
The method of claim 6 wherein the code layer choice identifiers identify plural code layer choices, and at least one default code layer is used to create the version since the received indication fails to indicate a code layer choice for said at least one default code layer. (Choy, col 5, lines 52 – 65 –component layers – child, grandchild etc- links to external and col 6, lines 13 - 37)

Claim 16
A computer system comprising:
a memory comprising a code layer viewer component, a source code file comprising source code and code layer identifiers;
a display;
an input device; and
a central processing unit is coupled to the memory, the input device, and the display. As per the rejection for claim 1.

Claim 17
The computer system of claim 16 wherein the central processing unit while executing the code layer viewer component and displaying the source code file, receives via the input device and indication of a code layer choice defined by the code layer identifiers. As per the rejection for claim 5.

Claim 18
The computer system of claim 17 wherein upon receiving the indication, the code layer viewer edits the source code file to create a version of the source code file that includes an indicated code segment choice. As per the rejection for claim 7.

Claim 20
A method comprising: receiving a media content file comprising common content and plural media content alternatives; displaying content selection criteria; receiving an indication of a selected content selection criteria; and rendering media content comprising common content and a media content alternative indicated by the selected content selection criteria. (Choy, col 2. lines 41 – 52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11- 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Choy in view of JAVA – JAVA Look and Feel Design Guidelines: Advanced Topics, 2001. Choy does not disclose the exact details of common GUI techniques in development environments. It is JAVA who teaches mouse over techniques (Java, page 154). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Choy and JAVA because mouse over enables users to see help information.

Claim 11
The method of claim 6 wherein the displayed code layer choice comprises a choice between a first code segment and a pop-up window comprising a second code segment. (JAVA, page 154).

Claim 12
The method of claim 11 wherein the indication of the code layer choice is received when a user clicks a mouse button while a cursor is over the pop-up window. (JAVA, page 154).

Claim 13
The method of claim 8 wherein the compiled version is executed. (Choy, col 1, lines 15 – 21 – end result executes to provide access to data etc).

Claim 14
The method of claim 8 wherein after the compiled version is executed, the source code is displayed again, another code layer choice indication is received, and a new version of source code is created. As per claims 3 and 4.

Claim 15
The method of claim 6 wherein the file is saved in a tree data structure format comprising data nodes identifiable by the code layer choice identifiers. As per claim 3.

6. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choy and Collard.

Choy does not explicitly mention compiling It is Collard who (page 34, top right). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Choy and Collard (Supporting Document and Data Views of Source Code – 2002) because compiling code produces executable that enable code to solve problems.

Claim 8
The method of claim 7 further comprising transforming the version into compiled code. (Choy, col 1, lines 15 – 21 – end result executes to provide access to data etc).
Claim 19
The computer system of claim 18 wherein the central processing unit executes a compiler program to turn the version of source code into an executable program.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner
Art Unit 2193

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